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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 6th meeting
Held at Headquarters, New York, on Friday, 10 October 1997, at 10 a.m.

Chairman: Mr. Mapuranga ..... (Zimbabwe)
later: Mr. Dumitriu (Vice-Chairman) ..... (Romania)

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The meeting was called to order at 10.15 a.m.

Requests for hearings

1. **The Chairman** drew the Committee's attention to a request for a hearing on the question of Guam (A/C.4/52/2/Add.7), and proposed that the request be approved.

2. *It was so decided.*

3. **The Chairman** informed the Committee that a request for a hearing on the question of New Caledonia had been received under agenda item 18, and proposed that it be circulated as a committee document and considered at the next meeting.

4. *It was so decided.*

Organization of work

5. **The Chairman** informed the Committee that the previous day he had had an exchange of information with the two Under-Secretaries-General on the draft resolution submitted by the representative of Papua New Guinea. That morning, he had had a talk with the Under-Secretary-General for Political Affairs, Mr. Prendergast, who had told him that after the previous meeting he had informed the Secretary-General of the situation. The Secretary-General had felt it advisable to meet with the sponsors of the draft resolution and steps had been taken to arrange such a meeting. He therefore requested the delegations which had proposed that a decision should be taken on the draft resolution to agree to do so after the meeting with the Secretary-General.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*) (A/51/23 (Parts II, V, VI), A/C.4/52/L.3 and L.4, A/AC.109/2071-2072, 2074-2078, 2080-2082, 2084, 2086-2088 and 2090)

Hearing of representatives of Non-Self-Governing Territories and petitioners (A/C.4/52/2/Add.1-7)

Question of Guam

6. *At the invitation of the Chairman, Mr. Robert A. Underwood, Guam Delegate to the United States Congress, took a place at the table.*

7. **Mr. Underwood** (Guam Delegate to the United States Congress) said that the people of Guam had chosen to pursue a change in the political status of the Territory, in the form of a Commonwealth with the United States of America. A decision to do so had been taken in a series of referendums held from 1982 to 1987. The members of the Guam Commission on Self-Determination, established by Guam law, had discussed the Guam Commonwealth with the Bush and Clinton Administrations. Those discussions had not yielded any agreement, and it had been decided to submit the matter for consideration by the Congress of the United States of America. Hearings on the subject would be held by Congress later in October 1997.

8. It was important for the Fourth Committee to recognize that Commonwealth status for Guam was an interim measure. It did not presuppose the granting of full self-government, and did not change Guam's status as an unincorporated territory of the United States. Commonwealth status did not meet the internationally recognized standards for decolonization, in that it was not independence, free association or full integration. It would provide a transitional Government which would facilitate the eventual decolonization of Guam. In that regard, he urged the Committee to reaffirm the right of Guam's indigenous people, the Chamorros, to self-determination. When Guam reached the stage at which the issue of full self-government would be resolved on the basis of a vote, that process must safeguard Chamorros self-determination.

9. The desire of the Chamorro people for decolonization did not give the United States justification for requesting the removal of Guam from the list of Non-Self-Governing Territories. Rather, the implementation of the will of the Chamorro people could and should be the instrument which would facilitate that removal. Therefore, it would be inappropriate to consider removing Guam from the list of Non-Self-Governing Territories. He strongly objected to the proposal that movement towards Commonwealth status or increased local self-government would, as it had in the case of Puerto Rico, which had been removed from the list when granted that status, justify the removal of Guam from the list of Non-Self-Governing Territories.

10. The language in the resolution pertaining to the right of self-determination must be restored to the wording found in the resolutions adopted by the United Nations in 1994 and 1995, in which the General Assembly recognized the Chamorro people's right to self-determination. Those resolutions had been supported by the United States. The current language in the draft reflected a change in the policy of the Clinton Administration which had not been explained directly to Guam. In addition, the draft resolution contained incomplete information concerning the return of surplus federal lands to the Government of Guam. The current process did in fact allow federal agencies to bid for those excess lands ahead of Guam.

11. Jointly with Governor Gutierrez, he had written a letter to Ambassador Richardson expressing disappointment with the resolution in its current form. The letter suggested changes to the draft that would restore the previous language relating to Chamorro self-determination, clarify the language relating to the cultural identity of the people of Guam and correct the language concerning the return of excess lands to Guam. It had also expressed the view that the United States Mission should consult the Government of Guam prior to the submission of the annual progress report to the United Nations.

12. *Mr. Underwood withdrew.*

13. *At the invitation of the Chairman, Mr. Charfauros, member of the twenty-fourth Guam Legislature, took a place at the petitioners' table.*

14. **Mr. Charfauros** (Member of the twenty-fourth Guam Legislature) said that, since 1946, when the first report had been submitted by the administering Power, the population of the Territory had been variously described in annual reports and in General Assembly resolutions as Chamorro, Guamanian, inhabitants of Guam and people of Guam. The resolutions gave the impression that the Chamorro people were only part of the population or even immigrants. That was clear from the amendments made to paragraph 4 of the draft resolution on Guam, in which the phrase "recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people" would read: "recognizing and respecting the political rights and the cultural and ethnic identity of the people of Guam, including the Chamorro people" as if there were two separate peoples. Meanwhile, whether the population of Guam was referred to in the United Nations as Chamorro, Guamanian, inhabitants of Guam or people of Guam, the context must be that of the colonized people. Other United States citizens residing in Guam had no right to self-determination, war restitution or the return of federally-owned land. Consequently, when using the term "people of Guam", a clear distinction must be drawn between all United States citizens and the colonized Chamorro people. It should be recalled that in 1996 the draft resolution on Guam had been amended to fit the colonial interests of the United States of America. The amendments made to paragraph 1 did not reflect the real situation. Unfortunately, the current draft resolution reproduced the formulae adopted in 1996.

15. The Guam Legislature had communicated with the United Nations for many years and its members had presented testimony on behalf of Guam's people at United Nations forums. In that way, a good working relationship had been established with the committees whose role was to protect the rights of the people of Guam, and the original draft resolution which had appeared in the Special Committee's 1996 report reflected that relationship. The Committee, however, had postponed its consideration of the Special Committee's report containing the draft resolution. In response to that decision, the Chairperson of the Guam Legislature's Committee on Federal and Foreign Affairs had called on members of the Committee to adopt the draft resolution, and the Guam Legislature had passed resolution No. 542 requesting the General Assembly to adopt the omnibus resolution on small Territories. However, the Committee had approved without a vote an amended draft resolution sponsored by the United States of America and the United Kingdom. The Guam Legislature's Committee on Rules, Government Reform and Federal Affairs had then adopted resolution No. 64, registering a strong objection to the amendments to the section of the draft resolution concerning Guam, but despite all those efforts, the General Assembly had subsequently adopted the amended draft resolution. In that connection the Guam Legislature had adopted an act to create a commission on decolonization for the exercise of Chamorro self-determination. Recently bill No. 329 had been introduced to the Legislature, designed to protect the right of the Chamorro people to determine their political status and that of their homeland. The bill stressed that all rights to self-determination of the Territory of Guam in regard to political status must be exercised exclusively by the Chamorro people.

16. Towards the end of October the Committee on Resources of the United States House of Representatives would be holding a public hearing on the draft Commonwealth Act. The objective of the hearings was to assess whether there was support for the bill, and to placate public opinion in Guam. The members of the Guam Legislature understood that the primary responsibility for achieving a people's rights lay with the people themselves and the Government which served them. In addition, they understood that they could not solve the problem of Guam alone. Accordingly, they called on the United Nations to replace the current text of the omnibus resolution on small Territories with the original text submitted to the Special Committee in November 1996 prior to the submission of amendments by the United States of America and the United Kingdom; ensure that the voice of the people of Guam was given an equal hearing to that of the administering Power; consult both the administering Power and the Non-Self-Governing Territory if there were obvious discrepancies between reports provided by them; and send a visiting mission to Guam in order to better evaluate the situation of

the colonized Chamorro people by receiving information firsthand.

17. *Mr. Charfauros withdrew.*

18. *At the invitation of the Chairman, Mr. Bettis (Guam Commission on Self-Determination) took a place at the petitioners' table.*

19. **Mr. Bettis** (Guam Commission on Self-Determination) said that during the years since Guam had been inscribed on the list of Non-Self-Governing Territories, the administering Power had done nothing to fundamentally alter the colonial nature of its control of Guam. Some people argued that the United States of America was a benevolent administering Power. Nevertheless, benevolent colonialism was still colonialism. According to the legal edicts of the administering Power, Guam was classified as a "possession of but not a part of the United States", or as "appurtenant to and belonging to the United States but not a part of the United States", although there was not even a suggestion that Guam would ever be extended the offer of becoming a full part of the United States. Members of the Committee must carefully examine the situation in Guam and take action to accelerate the end of colonialism.

20. Guam's identification as a colonial Territory was now under threat. In the name of institutional reform, concerted efforts were under way to strip the Special Committee of its remaining activities and of its interaction with the peoples of the remaining Territories. The Committee must resist the direct and indirect efforts of the administering Powers to bring a halt to the international community's discussion of colonialism. As to Guam, while Washington was defending the status quo, the administering Power's Permanent Mission to the United Nations was promoting the pretence that Guam was already self-governing. Although Guam's needs and concerns were minuscule in the scheme of the interests of the United States of America, they were central to its identity and existence as a people. Guam's limited land resources, lifestyle and culture were constantly assailed by the administering Power's radical immigration policies that were reshaping Guam's demography.

21. The denial of colonialism and the sordid attempts by the administering Power to mask the existence of colonialism was itself evidence of colonialism. Unfortunately, the administering Power's objections to the work of the Special Committee on decolonization during the fifty-first session had resulted in a simple misrepresentation of the true nature of the relationship between Guam and the United States. The inaccurate depiction of that relationship and of the situation in Guam had again been presented for consideration at the present session. Although most of the paragraphs of the preamble and the operative part of the resolution prompted no objections, other paragraphs had been so altered by the misstatements of the administering Power that they were simply untrue or meant that the rights of a colonized people would be subject to a continuing colonial standard. Perhaps some people had hoped that the consultations with the administering Power would lead to a careful consideration and review of the substantive issues. But that had not happened, and the administering Power had not delivered on its promises of cooperation.

22. In 1987 the people of Guam had approved a proposal to establish an interim political status called "Commonwealth". To date, that was the only proposal which addressed the issue of ending Guam's colonial status. Unfortunately, the administering Power was attempting to confuse the process. Firstly, it had refused to address the question of decolonization in the substantive negotiations. Secondly, through its immigration policies, it was attempting to stack the deck, suggesting that migrants and settlers also had a right to Guam's decolonization. Although the actions of the administering Power would not halt the decolonization process – it would be carried out unilaterally if necessary – it was important that the international standards should continue to be fully taken into account during the consideration of the question of Guam.

23. *Mr. Bettis withdrew.*

24. *Mr. Dumitriu (Romania), Vice-Chairman, took the Chair.*

25. *At the invitation of the Chairman, Ms. Cristobal (Organization of People for Indigenous Rights) took a place at the petitioners' table.*

26. **Ms. Cristobal** (Organization of People for Indigenous Rights) said that her organization had been created because of the need to carry out educational work among the people of Guam and the belief that the right to vote in an upcoming plebescite on political status should be limited to the indigenous Chamorro people. It was critical that at the present session the United Nations should adopt a resolution in which the General Assembly reaffirmed that the question of Guam was a question of decolonization. The members of the Committee had before them a consolidated resolution (A/AC.109/2097), adopted by the Special Committee at its 148th meeting on 20 June 1997, which was designed to deprive the Chamorro people of its inalienable right to self-determination and pave the way for the removal of Guam from the list of Non-Self-Governing Territories. Of the 12 Territories remaining on the list only Guam was actively engaged today in the process of changing its interim political status. Guam's only uniqueness was that it had a very strong

administering Power which had been uncooperative and negligent of its obligations under the Charter of the United Nations and the relevant resolutions of the General Assembly.

27. A draft Guam Commonwealth Act proposed an interim political status with limited internal self-government while recognizing that the right to self-determination in Guam belonged to the indigenous Chamorro people. It was extremely important to note that the draft Act had been voted on by United States citizens and that its preparation and ratification were not a true act of self-determination. There were fears that through misunderstanding of the current process the United Nations might believe that a legitimate process of decolonization had already occurred and that Guam could be removed from the list of Non-Self-Governing Territories. It must be noted that the Chamorro Government had already begun the decolonization process by enacting two pieces of legislation. The first of them created the Chamorro Registry, which served as the mechanism for registration of the Chamorro people to vote on self-determination. The creation of the Chamorro Registry had set in motion the process of finally determining the political status of the Chamorro people. The second piece of legislation established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-determination. It stated that by approving the draft Commonwealth Act the whole population of the Territory had recognized and approved the inalienable right of the Chamorro people to decide the future political status of Guam through a true act of self-determination. The Commission was to create three task forces to deal with the three status options: independence, free association and statehood. The Commission's general objective was to determine, by means of a plebiscite on political status, the desire of the Chamorro people as to its future political relationship with the United States and to transmit that desire to the President and Congress of the United States and the Secretary-General of the United Nations.

28. It had been disheartening to see that, while the Chamorro Government in Guam was advancing towards decolonization through its own initiative, the United Nations was departing from its previous firm position, yielding before aggressive actions by the administering Power. Such actions included attempts to deny the Chamorro people its inalienable right to self-determination and to muddle the issue of what should be understood by the term "people of Guam". In its first report to the United Nations the administering Power had stated that the natives of Guam were the Chamorros. Subsequently it called the Chamorro people "Guamanians", "inhabitants of Guam" and "people of Guam". It had begun to appear that the population of Guam was a mixed bag of people who all had the right to self-determination. There were also misrepresentations, some bordering on lies. Although in the world the United States had become recognized as a champion of the rights of indigenous people, in the United Nations it had been playing a game of subterfuge and had failed to inform the Chamorro people about its rights and its status under the auspices of the United Nations.

29. As the year 2000 which the United Nations had set as the deadline for ending colonialism worldwide, drew near, the United States of America had stepped up its efforts to solve the Chamorro problem by denying that people its right to self-determination. The change in the second preambular paragraph reflected an attempt to make the interim Commonwealth status a permanent status. That alone would preclude any true act of self-determination by the Chamorro people . Obviously, the administering Power had not cooperated with the Special Committee since 1992, and without any visiting missions to Guam it was difficult to ascertain the true condition of the Chamorro people.

30. The Chamorro people was asking the United States of America to desist from trying to remove Guam from the list of Non-Self-Governing Territories until that people had made itself heard in a plebiscite on self-determination. She requested the Committee to oppose the current wording of the draft resolution on Guam. While the seventh preambular paragraph stated that "immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland", in paragraphs 4 and 5 immigrants to Guam were apparently recognized as having rights to self-determination, and included the Chamorro people. Those changes to the draft resolution, which had been initiated by the United States of America, ran counter to the very purpose and mandate of the Committee. Democracy in the United States of America had been founded on the premise that good government rested on the consent of the governed to be governed. In the case of Guam, the consent of the Chamorro people had never been sought.

31. *Ms. Cristobal withdrew.*

32. *At the invitation of the Chairman, Mr. Teehan (Guam Landowners Association) took a place at the petitioners' table.*

33. **Mr. Teehan** (Guam Landowners Association) said that the current year's review of the question of Guam was especially critical primarily because there had been a significant increase in pressure to persuade the international community that colonial situations no longer existed. That was a source of great concern because over the past 10 years

the United States Government had not acted on the specific proposal made by the people of Guam establishing a process which would eventually end Guam's colonial status.

34. The fact that Guam conducted local elections for governor, legislators and local mayors did not make Guam self-governing. Under the administering Power's legal authority, the powers of that Government were specifically defined and limited. The administering Power also reserved the right to annul any local law enacted by the elected Government of Guam. Moreover, the administering Power reserved to itself the powers of governance in general and passed all manner of laws affecting Guam without the inhabitants' consent. The notion that democratic elections equalled self-government was related to the absurd notion that political status was not an important issue in local politics. In the case of Guam, political status was a critical issue because the Territory's continuing colonial status dramatically affected and impeded its political and economic development and exacerbated the destabilization of its social order.

35. There was no doubt that small island territories and small island States faced many common problems: market size, problems of transport, the impact of natural disasters, population density and so forth. However, there was no comparison between islands which controlled their own resources, made their own laws and took their own decisions in matters such as immigration and islands which, because of their colonial status, were not allowed to make those decisions. Because of colonial laws and edicts, Guam was unable to control its resources, manage immigration or take many decisions regarding its future. The administering Power reserved those decisions for itself. Those issues were related to the successful efforts of the administering Power to weaken the language of the resolution on Guam. As seen through the eyes of the colonized, the decolonization process was nothing more than an international effort to declare the International Decade for the Eradication of Colonialism a success.

36. The people of Guam had recently established the Guam Commission on Decolonization. That new Commission had been created as a result of the administering Power's failure over 10 years to heed the request made by the people of Guam in 1987 for interim Commonwealth status and the eventual decolonization of the Chamorro people. The Commission's mandate was to implement a process of decolonization in accordance with General Assembly resolution 1541 (XV) and to conduct a vote among the Chamorro people to determine whether its desired status was independence, free association or integration. Local law required that the vote must be conducted among the Chamorro people because it was that people that had been colonized by the United States of America. It was clear that the administering Power's immigration policy was a colonization policy, and that only those who were colonized could decide on the Territory's future status.

37. He commended the adoption of the Special Committee's 1996 resolution, which, in his view, was the most accurate resolution ever transmitted to the General Assembly on behalf of Guam. The fact that that resolution had later been inappropriately amended through the concerted efforts of certain administering Powers indicated that there were organizational impediments in the United Nations itself. He expressed the hope that the Fourth Committee would, during the current session, significantly amend the draft General Assembly resolution on Guam. In the interests of furthering the decolonization process he called for the reinstatement of the wording adopted by the Special Committee in 1996. He also reaffirmed the invitation to send a visiting mission to Guam and to host a decolonization seminar for the Pacific region.

38. **Mr. Nuñez Mosquera** (Cuba) said that, as Mr. Teehan knew, a series of informal consultations had begun the previous year between the members of the Committee on decolonization and the administering Power. Those consultations had resulted in the wording of the draft resolution on Guam. The text had been considerably changed. He inquired whether those consultations had been useful at all to the people of Guam. It would be interesting to know whether they had helped to improve the situation on Guam and whether the attitude of the administering Power with regard to Guam had changed. He was raising those questions because a year had elapsed since the holding of the consultations.

39. **Mr. Teehan** (Guam Landowners Association) said that, unfortunately, those consultations had not perceptibly improved the situation of the Chamorro people on Guam. They had merely provided time to weaken the resolution further. The leaders of the administering Power were continuing to conduct lengthy discussions which had still not yielded any results. At the same time, immigration to Guam was continuing, which caused concern among its inhabitants. No progress had been made on the issues concerning the return of land or a change in the policy on the transfer of rights to the land of the Chamorro people. The administering Power had not taken any measures to ensure the right of the Chamorro people to self-determination. The 1997 resolutions reflected the results of those consultations.

40. **Mr. Ovia** (Papua New Guinea) said that the question of the Guam Commonwealth Act had been raised during the

process of negotiations between the Special Committee and the administering Power. He inquired whether any progress had been made in the negotiations between the leaders of Guam and the administering Power with regard to the Act.

41. **Mr. Teehan** (Guam Landowners Association) said that, since the people of Guam had adopted the Guam Commonwealth Act 10 years earlier, frequent attempts had been made to bring about its consideration by the Government of the United States of America. Hearings had been held, at which it had been recommended that the representatives of Guam should submit the matter to the Government of the United States for consideration. Nevertheless, no tangible progress had been achieved, and it was hoped that corresponding hearings would be held in 1997. The dates of the hearings had been changed only three times in September 1997. The Guam Commonwealth Act was a unilateral act by the people of Guam. It had not been financed or supported by the Government of the United States and had required considerable effort on the part of the people of Guam. Nevertheless, it was hoped that some progress would be achieved.

42. *Mr. Teehan withdrew.*

43. *At the invitation of the Chairman, Mr. Ulloa Garrido (Nasion Chamoru) took a place at the petitioners' table.*

44. **Mr. Ulloa Garrido** (Nasion Chamoru) said that the Chamorro people in the past had always left political issues affecting them and their homeland in the international arena to their elected officials. Although the Chamorro people had never participated in the Special Committee's regional seminars and meetings, they had however been monitoring with great interest all United Nations reports and resolutions on Guam. The draft resolution of 20 June 1997 was totally inconsistent with previous resolutions. It rejected all the major principles relating to the purpose and mission of the United Nations and was totally contrary to the purpose behind the establishment of the Special Committee on decolonization. The Special Committee had always maintained that the Chamorro people had an inalienable right to self-determination; that all lands taken by the colonizer must be returned to the Chamorro people; that the United States of America must recognize the political, cultural and ethnic identity of the Chamorro people; that the colonizer must recognize and respond to the concerns of the Chamorro people about the uncontrolled influx of immigrants to the isiand; and that the United States must implement programmes to promote and advance the Chamorro language, culture and the study of their history. Those and many other issues had not been reflected in the resolution of 20 June 1997. The draft resolution contained inconsistencies, and the changes in its wording were totally unacceptable. He enumerated many of the differences between the current draft resolution and previous resolutions.

45. The United Nations must recognize that the United States had violated all the promises and obligations that it had committed itself to under the Charter of the United Nations and the resolutions on Guam. Since its occupation of the island, the occupier had systematically and methodically attempted to commit genocide. The ban on the Chamorro language and cultural traditions and the illegal seizure of Chamorro land through executive orders provided abundant proof of that. The Chamorro people had always believed that the purpose of the United Nations was to promote peace and safeguard the rights of oppressed or colonialized peoples and that no nation was above that fundamental principle. The fact that the United States was one of the founding members of the United Nations did not exempt it from complying with the Organization's policies. Some countries were willing to join the United States in condemning China for human rights violations, while, at the same time, they remained silent or totally ignored the actions by the United States with regard to indigenous peoples that it had colonized. The Chamorro people wished to state that their human rights had been violated. They appealed to the United Nations to correct a grave mistake in the draft resolution. He asked all the members of the Fourth Committee to vote in favour of amending the resolution on the question of Guam, which should reflect the fact that the Chamorro people had an inalienable right to self-determination and that only they had the right to be decolonized, not foreign nationals, immigrants and the United States occupying forces. The administering Power had not complied with the Committee's resolutions on the question of Guam since 1946. Its most serious violation was the immigration of foreign and other nationals to Guam. That action was a slow form of genocide, an attempt to marginalize the Chamorro people and destroy their culture and identity. The United States must return unconditionally all land that it had stolen from the Chamorro people. He once again requested the United Nations to restore the original wording of previous resolutions and make the necessary changes to the draft resolution of 20 June 1997. He also requested the Organization to send two separate missions to Guam: one in order to witness first-hand the protests by the Chamorro people against the seizure of their land by the United States, and another to monitor the voting process in implementation of the right of the Chamorro people to self-determination on 7 September 1998.

46. **Mr. Mekdad** (Syrian Arab Republic) asked what specifically he found objectionable in the wording of the 1997 resolution.

47. **Mr. Ulloa Garrido** (Nasion Chamoru) said that he objected to the changes to paragraphs 1, 3, 4 and 5 of the 1997 draft resolution on Guam, which were departures from the wording of the corresponding paragraphs of the 1996 resolution. The new wording completely altered the implications of the decolonization process for the indigenous inhabitants of Guam, the Chamorro people.

48. *Mr. Ulloa Garrido withdrew.*

49. *At the invitation of the Chairman, Ms. Ulloa Garrido (Ancestral Landowners Coalition of Guam) took a place at the petitioners' table.*

50. **Ms. Ulloa Garrido** (Ancestral Landowners Coalition of Guam) said that the Chamorros were the indigenous inhabitants of Guam, with a rich history, culture and language. They had lived on the island for nearly 5,000 years, tilling its fertile lands and using the rich resources of the ocean. Their relatively undisturbed existence had been shattered by the arrival on the island in 1565 of Spanish colonizers, who had used Guam as a supply station on the trade route between Mexico and the Philippines. As a result of the activities of Jesuits and other missionaries seeking to evangelize the "infidels", by 1699 only about 5,000 out of the original 100,000 Chamorros had survived. The Chamorros had been forced to surrender their homeland, their culture, their language and themselves to Spain.

51. In 1898, during the war between the United States of America and Spain, Guam had been taken by American forces and on 10 December 1898 it had been officially declared a colony of the United States of America. The Chamorro people and their homeland had passed from one colonizer to the next. That had marked the beginning of a 52-year reign by the United States Navy.

52. Naval governors had issued general orders as a means of controlling and re-educating the Chamorro people in the ways of America. Local feast days and traditional customs had been forbidden, taxes imposed and the population pressed into forced labour. In violation of the Treaty of Paris between the United States of America and Spain, land documents had been classified secret and the United States of America continued to conceal such documents.

53. In 1901, the Chamorros had begun petitioning the United States Congress to address grievances regarding their civil and human rights. Time after time their petitions had been ignored, Congress deciding that they were not ready for self-governance. The most significant attempts to obtain justice had been made in 1947 and 1949. Finally, in May 1949, President Truman had indicated to the Department of the Interior that the inhabitants of all the Pacific territories should be accorded civil government and a full measure of civil rights. In August 1950 the administration of Guam had been transferred from the Secretary of the Navy to the Department of the Interior. It had been stated several times that the United States of America would stop at nothing to maintain control over Guam. Behind its current concern for protecting wildlife — rare birds, butterflies or snails — lay its desire to serve its national security interests and to meet its future defence needs. A further problem was that it could accommodate thousands of political refugees from other lands on the island, while the Chamorros' cries for justice went unheeded.

54. There was a direct connection between the return of the Chamorros' ancestral homelands and their freedom. Their land had been unjustly taken and only with the return of those lands would justice be done. It was the height of cynicism for the United States of America to offer to return the Chamorro lands if it was paid billions of dollars for the sale of lands which it had previously seized, with promises to return them to their owners when the United States military no longer needed them. The Chamorro people flatly refused to pay the United States of America for the return of their ancestral homelands. Attempts to keep those lands for the future on various pretexts were against all laws of justice and humanity. The Chamorro people did not want a benevolent master. They wanted to be free and sovereign in their own homeland, to decide for themselves their political destiny and to protect and preserve their language and culture for future generations of Chamorros.

55. The resolution on the question of Guam must once again include the original language calling for the immediate return of the Chamorros' ancestral homelands and the process of decolonization through self-determination must be restricted to the indigenous inhabitants of Guam, the Chamorro people. She appealed to the United States of America to return to the Chamorros their land and, at the same time, their lost freedom.

56. *Ms. Ulloa Garrido withdrew.*

57. *At the invitation of the Chairman, Mr. San Nicolas (Tribal Chairman, Chamorro Tribe of the Marianas) took a place at the petitioners' table.*

58. **Mr. San Nicolas** (Tribal Chairman, Chamorro Tribe of the Marianas) said that the Chamorro Tribe of the Marianas was seeking recognition by the United Nations as a single people. The Chamorros were concerned that, despite requests by their political leaders, the draft resolution

recommended by the Special Committee on 20 June 1997 for adoption by the General Assembly (A/52/23, (Part VI)) contained new and unacceptable wording in which all reference to the right of the Chamorro people to self-determination was omitted, although it had appeared in earlier General Assembly resolutions on Guam. The Chamorro Tribe of the Marianas stood in solidarity with all organizations which were opposed to any form of self-determination that would entail the surrender of their God-given sovereignty rights. The Chamorro Tribe of the Marianas opposed the draft Guam Commonwealth Act and supported Mr. Jose Ulloa Garrido, who had spoken at the current meeting on behalf of Nasion Chamoru (Chamorro Nation).

59. He recalled that the Chamorro people had lived on Guam and the Marianas (Saipan, Tinian, Rota, etc.) for more than 4,000 years. Before colonization by Spain and the United States of America, the Chamorros had lived in self-governing political entities, like the American Indians and other indigenous peoples. Subsequently, the Chamorros had not had the opportunity to exercise their right, as an indigenous people of the Marianas, to free self-government. The Chamorro people were divided by two separate government structures: Guam was an unincorporated Territory of the United States of America, while the Northern Marianas had become the Commonwealth of the Northern Mariana Islands. There had been no clear expression of will by the Chamorros regarding the status of these political entities. In 1946, the right of the Chamorros to self-determination had received international recognition from the United Nations, including by the United States of America as one of the Organization's members. The United States of America, however, had yet to allow the Chamorro people to exercise that right.

60. *Mr. San Nicolas withdrew.*

61. **Mr. Scott** (United States of America), speaking in exercise of the right of reply, said that the United States Government and the representatives of Guam were pursuing the same objective, namely the attainment of free self-determination by the island's people. Their positions differed with regard to who should be entitled to participate in that process. It was the view of the United States of America that the right to self-determination of Guam should be exercised by all the people of Guam, rather than just one part of the population. It appeared that those who had spoken at the current meeting did not recognize the civil rights of the majority of the population of Guam. It was difficult to imagine that the United Nations would associate itself with any exercise of the right to self-determination from which the majority of the people affected by the outcome would be excluded on grounds of ethnicity. In the United States of America, all persons were equal before the law. The Constitution did not allow for elections from which a portion of the population was excluded on ethnic grounds. Furthermore, his delegation could not endorse the view that the rights of one group of people should take precedence over the rights of another. The United States of America would not support any programme or project which excluded Guamanians who were not Chamorros.

62. With regard to the question of lands, the identification of surplus federal lands was the first step in a programme aimed at transferring land ownership to the population of Guam, a programme which would be carried out in accordance with the laws and regulations of the United States of America. His Government was committed to working with all the peoples of Guam with a view to resolving its political status in keeping with the principle of self-determination. Nevertheless, the ultimate outcome of the process must be reached in conformity with the laws of the United States of America and the principle that self-determination must be exercised by the citizenry as a whole.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*) (A/52/23 (Parts II, V-VI); A/C.4/52/L.3 and L.4; A/AC.109/2071, 2072, 2074-2078, 2080-2082, 2084, 2086-2088 and 2090)

Agenda item 90: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/52/23 (Part IV)* (Chap. VIII) and A/52/365)

Agenda item 91: Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination (*continued*) (A/52/23 (Part III)*)

Agenda item 92: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/52/3* (Chap. V, sect. E), A/52/23 (Part IV)* (Chap. VII) and A/52/185; A/AC.109/L.1866; E/1987/81 and Add.1)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/52/38* (Chap. V, sect. E))

* To be issued

Agenda item 93: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/52/388 and Add.1)

63. **Mr. Valle** (Brazil) said that his delegation fully endorsed the statements made at previous meetings by the delegations of Paraguay (on behalf of the Rio Group) and Uruguay (on behalf of the member States of MERCOSUR, Bolivia and Chile), and, in particular, the terms of the 1996 declaration on the Malvinas Islands.

64. With regard to the question of East Timor, his Government had always stressed the importance of a just and internationally acceptable solution to that question, in conformity with the relevant resolutions of the General Assembly and the Security Council. Brazil placed great hope in the direct talks between the parties and strongly supported the tripartite process under the auspices of the Secretary-General, as well as the all-inclusive East Timorese dialogue.

65. At a meeting of the Council for Ministers for Foreign Affairs of the Community of Portuguese-Speaking Countries held in Brazil in July 1997, a resolution had been adopted establishing three categories of observers to the Community. In accordance with the provisions of that resolution, representatives of organizations and political movements from non-autonomous territories where Portuguese was spoken might participate in meetings held by the Community, a measure which would allow, in particular, for representatives of East Timor to attend those meetings.

66. **Mr. Doudech** (Tunisia) welcomed the spirit of cooperation and the wisdom shown by the administering Powers and by the Special Committee, which had succeeded in reaching consensus on the text of an omnibus resolution regarding small Territories. That consensus had grown even stronger during the consideration of amendments proposed by the European Union to the draft resolution on the issue of the activities of foreign economic and other interests in the Non-Self-Governing Territories. That trend should be taken further, so as to secure the cooperation of all Member States in the final eradication of colonialism by the beginning of the next century. The considerable progress made in that area at the previous session could only inspire optimism. The previous year's resolution had embodied the principles which should guide the consideration of the situation in the small Territories. The next steps, and the practical methods for accelerating the decolonization process, should now be defined on the basis of consultations.

67. One of the priorities in that area was to formulate programmes for cooperation between the Committee and the administering Powers, containing measures to be implemented with the participation of the populations of the corresponding small Territories. The annex to General Assembly resolution 1541 (XV) of 15 December 1960 defined three ways of achieving self-government: independence, free association with an independent State, and integration with an independent State. In practice, numerous other variations were possible, but the most important thing was that the choice of their future political status should be made by the inhabitants of the Non-Self-Governing Territories themselves. The Committee's task in that area was to assist the indigenous populations in the exercise of their right to self-determination without thrusting any particular choice upon them. In practice, that task was performed in the light of the circumstances of each specific case. Referendums or elections were held in some cases, and in others, agreements were reached between the administering Powers and the representatives of the small Territories. That issue must be resolved in the light of the specific character of each Territory, through consent and cooperation between the Special Committee and the administering Powers, with the participation of the population of the Territory concerned.

68. Another issue was to define appropriate ways of evaluating the situation in small Territories. General Assembly resolution 51/224 A of 27 March 1997 indicated that United Nations visiting missions, sent to the Territories at an appropriate time and in consultation with the administering Powers, provided an effective means of ascertaining in the situation in the Territories. Accordingly, his delegation considered that it would be useful to hold consultations between the Committee and the administering Powers for the purpose of agreeing on a programme to provide for the organization of visiting missions to the small Territories.

69. **Mr. Abdul Waheed** (Pakistan) said that one of the goals of the United Nations was to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The United Nations had made enormous contributions in achieving freedom for hundreds of millions of people across the globe, and the increase in the membership of the Organization from 51 to 185 States was a clear testimony to its achievements. Since the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, over 60 former colonial Territories had joined the comity of independent nations. That spirit of cooperation for freedom must be preserved at all costs. The peoples of the remaining 17 Non-Self-Governing Territories were looking to the United Nations. The international community must consolidate its efforts if the remaining

bondage of colonialism was to be overthrown by the year 2000.

70. His delegation welcomed the positive response of the administering Powers to the call for their active involvement in the decolonization process. The development of constructive dialogue had made it possible to adopt a consensus resolution on small Territories, which was a welcome development. A more pragmatic and innovative approach was needed in working out modalities and mechanisms for the exercise of the right of self-determination by the peoples of Non-Self-Governing Territories, taking into account the particular conditions of each Territory.

71. The Committee must endeavour to persuade the administering Powers to make efforts to foster awareness of the right of self-determination among the peoples of the Non-Self-Governing Territories; to diversify the economies of the Territories; to preserve the cultural identity of their peoples; to end all types of military activity in the Territories; to obtain permission for United Nations missions to visit the Territories; to provide information about national disasters, the problem of drug trafficking and other illegal activities; and to take measures to protect the environment.

72. His delegation wished to express its concern at the recent decision to transfer the decolonization unit to the Department of General Assembly Affairs and Conference Services. Since the political nature of that unit's work had not changed, it should remain in the Department of Political Affairs.

73. The right to self-determination was a fundamental right of all peoples. Pakistan too had achieved its independence in exercise of that right, and therefore considered it its moral duty to support peoples all over the world that had not yet freed themselves from alien subjugation, and wholeheartedly opposed foreign domination or occupation in all its forms and manifestations. The international community could not be selective in its approach: the right to self-determination must be recognized across the board and should be afforded to all peoples, whatever their caste, creed or religion. All regions should therefore receive equal attention.

74. His delegation drew attention to the failure of the international community to implement the Kashmiri people's inalienable right to self-determination, a right that had been enshrined in a number of Security Council resolutions, particularly resolution 122 (1957) of 24 January 1957. During the past 19 years, the people of Kashmir had been subjected to inhuman repression and persecution. India's claim that Jammu and Kashmir were integral parts of India was a farce with no legal or historical foundation. Jammu and Kashmir remained on the United Nations agenda as an unresolved issue; the international community could not remain indifferent when thousands were being mercilessly killed, raped and maimed. The cry of the Kashmiri people for freedom could not go unheeded: denial of their right to self-determination was a violation of the United Nations Charter and of international law.

75. His delegation reiterated its unwavering commitment to the cause of decolonization. If everyone worked together there was no reason why the eradication of colonialism could not be achieved before the next millennium.

76. **Mr. Perez-Griffo** (Spain) said that despite the undoubted successes of the United Nations in the field of eliminating colonialism, the last survivors of the colonial epoch still remained a focus for the Organization's attention. There were no panaceas for colonialism. In most cases, colonial peoples had exercised their own right to self-determination, and that principle was equally applicable to most of the remaining Territories under colonial rule. Colonies established on the territory of other States were a different matter: there, decolonization could be accomplished — and there was no alternative — only by re-establishing the territorial integrity of affected States. Gibraltar fell into the latter category. Keeping that last colony on the European mainland did not sit well with contemporary world realities and in particular with the fact that both Spain and the United Kingdom were members of the North Atlantic Treaty Organization and the European Union. Gibraltar, which geographically and historically was an integral part of Spain, was unlike other colonial Territories which had been seized by force, in that it had been turned into a military base by the colonial Power. The address to the Fourth Committee by the Chief Minister of Gibraltar should not fool anyone: Gibraltar was a colony of the United Kingdom, although the actual inhabitants of the Territory were not a colonial people. The people in question were not the indigenous population, they were the descendants of British settlers and people brought there by the colonial Power to develop trade and service the military base. As a result, the principle of self-determination was inapplicable there. That was the gist of General Assembly resolution 2353 (XXII) of 19 December 1967.

77. There was a completely clear, settled and unambiguous United Nations doctrine on Gibraltar which in essence treated the decolonization of Gibraltar as a question of restoring the territorial integrity of a State. General Assembly resolution 1514 (XV) of 14 December 1960 declared that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country was incompatible with the purposes and principles

of the Charter of the United Nations. In a number of subsequent resolutions, the General Assembly had determined that the principle of territorial integrity was entirely relevant to the question of the decolonization of Gibraltar. In its resolution 2429 (XXIII) of 18 December 1968 in particular, the Assembly urgently called on the administering Power to terminate the colonial situation of Gibraltar. Beginning in 1985, bipartite talks between the Governments of the United Kingdom and Spain had been held as provided for in the joint statement signed in Brussels. Unfortunately, since 1988 the Gibraltarian local authorities had not taken part. Spain was resolutely in favour of dialogue, and its Government was filled with resolve to continue the talks process in a constructive spirit in the expectation that the talks would put an end to the dispute over Gibraltar.

78. Spain's priority right to sovereignty over Gibraltar in the event that it ceased to be British was discussed in the Treaty of Utrecht itself. Also, the Spanish authorities had repeatedly stated their complete readiness to ensure due respect for the legitimate interests of the inhabitants of Gibraltar and their distinctive way of life as part of a final, negotiated settlement of the dispute that would presuppose the re-establishment of Spain's territorial integrity in accordance with General Assembly resolutions. As the Spanish Minister for Foreign Affairs had noted in his address to the General Assembly, Spain was prepared to make a very generous offer which, once Gibraltar was reintegrated with Spain, would allow the inhabitants of the colony not only to keep their distinctive way of life, but also to improve their economic situation and consolidate their political and legal status.

79. **Ms. Smith** (United Kingdom) said that as the administering Power, her country based its relationship with its dependent territories on the principle of self-determination. Her Government remained convinced that the wishes of the people were of paramount importance to the future of the territories in which they lived. She welcomed the many expressions of support from members of the Committee for the right of all peoples to self-determination. It should be recognized that her country's relationships with its dependent territories were based on respect for that right, and that the constitutional framework in each of those territories was intended to reflect the wishes and interests of their peoples. Each of the territories held regular and free elections in which all were free to express their views concerning the future status of the territories or their relationship with the administering Power. Indeed, the Falkland Islanders had exercised their democratic rights in a general election held the day before, and her Government was prepared to consider any proposals put forward by the peoples of the Non-Self-Governing Territories.

80. She therefore expressed dismay at certain statements made in the Committee, including statements by the Chairman of the Special Committee on decolonization, implying that the choice of independence was the only possible outcome of the free exercise of self-determination. It was clear that the vast majority of people of the United Kingdom's dependent territories were content with their basic relationship with the administering Power and the degree of self-government achieved.

81. Many speakers had expressed satisfaction at the outcome of the negotiations held at the previous session, and continuing up to March 1997, on the text of the draft resolution on small Non-Self-Governing Territories. The amendments made to that resolution in some degree reflected the realities of contemporary life in the small group of remaining Non-Self-Governing Territories; she expressed appreciation for the constructive attitudes shown by other delegations, and to the former Chairman of the Fourth Committee, in helping to bring those discussions to a successful conclusion. She also recognized the important progress made in the preparation of the draft resolution on the activities of foreign economic and other interests in the Non-Self-Governing Territories owing to the negotiations held between the Special Committee and the European Union and the spirit of compromise that had prevailed. As a result, her Government would be able to change its position on the resolution at the current session. Nevertheless, the overall message of the resolution was that foreign economic activities did more harm than good as far as the inhabitants of Non-Self-Governing Territories were concerned. She challenged that view. Foreign investment was a valuable source of income for a number of the United Kingdom's dependent territories; it helped them to achieve a greater degree of self-sufficiency and placed them in a stronger position to exercise their right of self-determination.

82. Many resolutions before the Committee still contained language which did not reflect the realities of the situation in the Non-Self-Governing Territories or the views and feelings of their inhabitants. Her Government and the United States Government intended to pursue an informal dialogue with the Special Committee with a view to making further progress on those resolutions.

83. The United Kingdom's responsibilities as an administering Power were not limited to the promotion of self-government; they included ensuring the economic and social well-being of the peoples of the dependent territories. Her Government was firmly committed to providing support

for Montserrat during the current crisis and in the long term. It would continue to provide what was needed to sustain a viable community in the northern part of the island, and would assist those wishing to go to the United Kingdom or elsewhere in the Caribbean, as well as those who wished to return to Montserrat in the future to participate in the rebuilding of the island. She appealed to the international community to provide further assistance to the people of Montserrat and expressed appreciation to the Caribbean States for their support.

84. While the group of draft resolutions currently before the Committee were slightly more balanced than in the past, a fundamental problem remained. Such concepts as "colonies", "colonialism" and "decolonization" continued to pervade the resolutions and the work of the Special Committee, with their connotations of forcible occupation, subjugation and exploitation. That was hardly conducive to reaching an agreement on how the United Nations could work with the administering Powers in the best interests of the Non-Self-Governing Territories and their people. She urged the Special Committee and the members of the Fourth Committee to reconsider the basic assumptions underlying those resolutions in the light of such interests, which were not well served by the use of language belonging to an era that had long since passed into history.

85. Replying to the statements made by the representatives of Brazil and Spain on the question of the Falkland Islands and Gibraltar, she referred to the statements made in exercise of the right of reply by the Permanent Representative of the United Kingdom at the meetings of the plenary Assembly held on 24 and 26 September 1997.

The meeting rose at 1.20 p.m.